

RESOLUTION NO. 2018-25

CITY OF HARRISBURG

A Resolution ADOPTING A WATER MAIN COST RECOVERY AND ASSESSING THE COST OF SUCH COST RECOVERY TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

WHEREAS, Nielson Development, LLC, has constructed an oversized water main within the meaning of SDCL 9-47-29, which may be assessed pursuant the statute (the "Water Main"), which presently serves the Legendary Estates Addition to the City of Harrisburg, South Dakota, consisting of approximately 126.528 acres;

WHEREAS, the City of Harrisburg (the "City") for purposes of SDCL 9-47-29 has determined that it is appropriate to require that owners of the property served by the Water Main in the future pay their proportionate share of the cost of construction for which Nielson Development, LLC, has not otherwise been reimbursed as of the date of this Resolution, without interest, according to the benefits to accrue to such owner's property;

WHEREAS, in constructing the Water Main, Nielson Development, LLC, has incurred the sum of \$124,774.72, and such amount is eligible for cost recovery from the benefitted properties;

WHEREAS, upon investigation and information provided by Nielson Development, LLC, the property which will benefit from the Water Main consists of 286.24 additional acres which are legally described below and identified in the attached Exhibit A:

(parcel #1) The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), and the South Seventeen (17) Rods 5Feet and 5 Inches of Lot 1 of the Subdivision of the NW1/4SE1/4, Lots 1 and 2 of the Subdivision of the SE1/4SE1/4, Outlot 17 of Outlots in Harrisburg, and Outlot 16 of Outlots in Harrisburg, (except the South 330 Feet of the West 373 Feet Thereof), All in Section 36, Township 100, Range 50 (56 acres).

(parcel #2) The North 761.27 feet of the South 1054.91 Feet of the East 516.94 Feet of the North Half of the Southeast Quarter (N1/2SE1/4) of Section 36, Township 100 North, Range 50, Lincoln County, South Dakota, according to the recorded plat thereof (8.7 acres).

(parcel #3) Lots 1 and 2 of the Southwest Quarter (SW1/4), except the North 213 feet of West 624 feet, Section 31, Township 100 north, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (145.04 acres).

(parcel #4) North 213 feet of West 624' of the Southwest Quarter (SW1/4), Section 31, Township 100 North, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (3.05 acres).

(parcel # 5) NW1/4 of Section Thirty-Six (31), Township One Hundred (100) North, Range fifty (49) West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota (72.245 acres).

(parcel #6) West 208 feet of South 210 of Government Lot 2, Northwest Quarter (NW1/4), Section 31, Township 100 North, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (1.0).

(the “Benefitted Property”); and

WHEREAS, the City has investigated the matter as necessary and hereby find and determines that the cost recovery amount shall be apportioned as follows:

As a condition for property located outside Legendary Estates Addition to be served by the Water Main, the property requested to be so served shall be accessed a cost as follows:  $\$124,774.72 \div 412.76 \times$  (the number of acres proposed to be served including Legendary Estates). The following district, therefore, shall be assessed \$302.29 per acre.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISBURG, SOUTH DAKOTA:

That payment of the costs allocated to the Benefitted Property shall be delayed, without interest, until such time as the Benefitted Property or portion thereof requests connection to the Water Main, at which time the cost recovery applicable thereto would become payable in full.

It is further resolved that a copy of this resolution shall be recorded at the Register of Deeds Office, Lincoln County, South Dakota, as a notice to all potential or actual future landowners that proof of payment is required prior to the time such property shall connect to the Water Main.

This Resolution shall not preclude request for cost recovery by third parties who reimbursed Nielson Development, LLC, on or directly paid for a portion of the costs of the Water Main.

Dated adopted: November 19, 2018

Julie Burke – Van-Luvanee  
Mayor

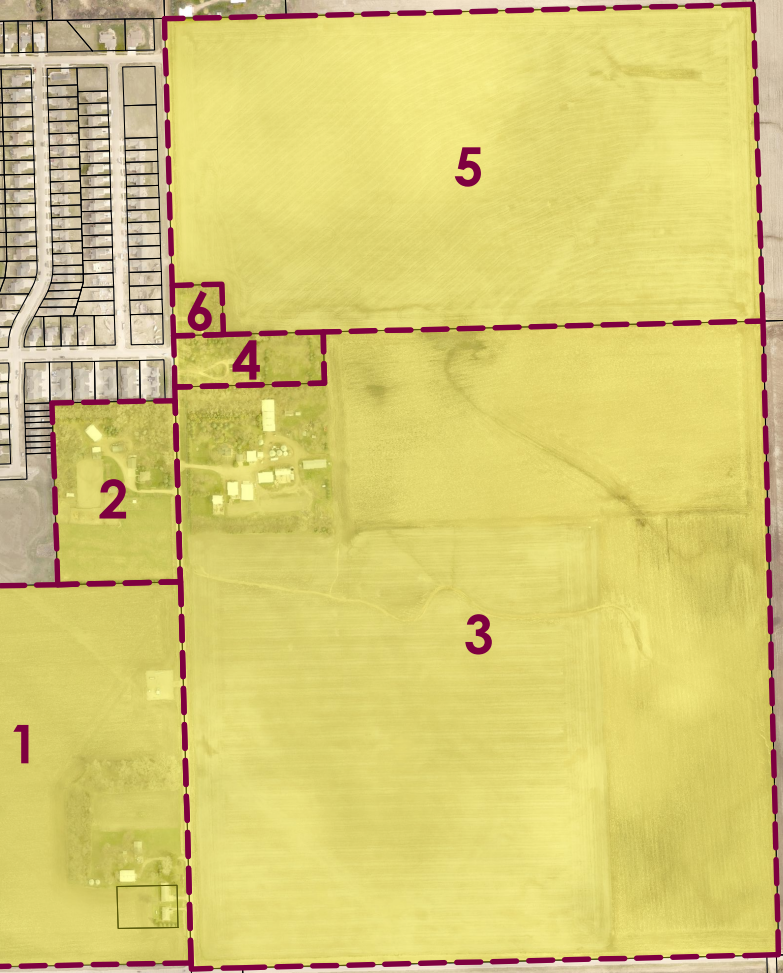
ATTEST:

Mary McClung  
Finance Officer

Adopted: November 19, 2018  
Published: November 29, 2018  
Effective: December 19, 2018



**Legendary  
Estates**



475TH AVE

WILLOW ST

476TH AVE

273RD ST



**EXHIBIT A - RESOLUTION 2018-25  
(WATER MAIN COST RECOVERY)**